

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SUSAN SLONIGER REED, *as Executrix*
of the Estate of Edward Sloniger,

SUSAN REED, *as Executrix of the Estate of*
Sharon L. Sloniger,

Plaintiff,

v.

SIEGMUND DEJA,

Defendant.

DECISION AND ORDER
09-CV-858S

Presently before this Court is Plaintiff's motion for judicial approval of the settlement of the wrongful death action brought on behalf of the Estate of Edward Sloniger. (Docket Nos. 169.) Local Rule 41(a)(2)(A) of this Court precludes settlement of actions brought on behalf of decedents' estates without judicial approval. Because this rule is not limited to wrongful death actions, leave of this Court is also required for the settlement of the claims in this consolidated case currently being prosecuted on behalf of the Estate of Sharon L. Sloniger. The same executrix represents both estates, however, and the circumstances affecting the negotiation and settlement decision apply equally to the claims of both estates. This Court will therefore construe Plaintiff's motion as seeking approval of the settlement with respect to both estates.

This Court has considered Plaintiff's motion and supporting submissions, including the terms of the settlement memos for both estates. Based on that review, this Court finds that the proposed settlement is in the best interests of the estates and distributees. In so finding, this Court has considered (1) the circumstances giving rise to the claim, (2) the

nature and extent of the damages, (3) the terms of the settlement and amount of attorneys' fees and other disbursements, (4) the circumstances of any other claims or settlements arising out of this same occurrence, and (5) the plaintiff's statement of why she believes this settlement is in the best interest of the estates and the distributees. See Local Rule 41(a)(2)(i)-(iv). Plaintiff's application will therefore be granted and the proposed settlements in this consolidated action approved.

IT HEREBY IS ORDERED, that Plaintiff's Motion to Approve Settlement (Docket No. 169) is GRANTED;

FURTHER, that the proposed settlements are APPROVED;

FURTHER, that the estates' representative shall apply as necessary to the Surrogate of the State of New York for an appropriate order of distribution of the net proceeds of the settlement pursuant to Section 5-4.4 of New York Estate Powers and Trusts Law;

FURTHER, that this action is dismissed with prejudice and without costs;

FURTHER, that the Clerk of Court is directed to close this case.

SO ORDERED.

DATED: March 5, 2015
Buffalo, NY

/s/William M. Skretny
William M. Skretny
Chief Judge
United States District Court